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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. | |
|--|-----------------|----------------------|-------------------------|------------------|--|
| 09/874,055 | 06/06/2001 | Yoko Iwamiya | 208853US0 | 5631 | |
| 22850 | 7590 04/28/2006 | | EXAM | EXAMINER | |
| OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET | | | METZMAIER, DANIEL S | | |
| ALEXANDRIA, VA 22314 | | ART UNIT | PAPER NUMBER | | |
| · | | | 1712 | | |
| | | | DATE MAILED: 04/28/2006 | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

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Advisory Action Before the Filing of an Appeal Brief

| Application No. | Applicant(s) | |
|---------------------|----------------|--|
| 09/874,055 | IWAMIYA ET AL. | |
| Examiner | Art Unit | |
| Daniel S. Metzmaier | 1712 | |

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| The MAILING DATE of this communication appe | ars on the cover sheet with the o | correspondence add | ress |
| THE REPLY FILED <u>14 April 2006</u> FAILS TO PLACE THIS APP | | · · | |
| 1. The reply was filed after a final rejection, but prior to or on this application, applicant must timely file one of the follow places the application in condition for allowance; (2) a No a Request for Continued Examination (RCE) in compliance time periods: | the same day as filing a Notice of ving replies: (1) an amendment, aft tice of Appeal (with appeal fee) in | Appeal. To avoid aba fidavit, or other evider compliance with 37 C | ice, which FR 41.31; or (3) |
| a) \square The period for reply expires $\underline{4}$ months from the mailing date | of the final rejection. | | |
| b) The period for reply expires on: (1) the mailing date of this A no event, however, will the statutory period for reply expire Is Examiner Note: If box 1 is checked, check either box (a) or TWO MONTHS OF THE FINAL REJECTION. See MPEP 7. | dvisory Action, or (2) the date set forth ater than SIX MONTHS from the mailin (b). ONLY CHECK BOX (b) WHEN THI | g date of the final rejecti | on. |
| Extensions of time may be obtained under 37 CFR 1.136(a). The date have been filed is the date for purposes of determining the period of ex under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the set forth in (b) above, if checked. Any reply received by the Office later may reduce any earned patent term adjustment. See 37 CFR 1.704(b) | on which the petition under 37 CFR 1. tension and the corresponding amount shortened statutory period for reply orightan three months after the mailing da | of the fee. The approprinally set in the final Offi | ate extension fee ce action: or (2) as |
| NOTICE OF APPEAL 2. The Notice of Appeal was filed on A brief in comp filing the Notice of Appeal (37 CFR 41.37(a)), or any external a Notice of Appeal has been filed, any reply must be filed | nsion thereof (37 CFR 41.37(e)), to | avoid dismissal of th | ns of the date of e appeal. Since |
| AMENDMENTS | | | |
| 3. The proposed amendment(s) filed after a final rejection, (a) They raise new issues that would require further co (b) They raise the issue of new matter (see NOTE belo (c) They are not deemed to place the application in belowed the contraction of the c | nsideration and/or search (see NO w); | TE below); | |
| appeal; and/or (d)⊠ They present additional claims without canceling a | | ected claims. | |
| NOTE: <u>See Continuation Sheet</u> . (See 37 CFR 1.1 | | | |
| 4. The amendments are not in compliance with 37 CFR 1.1 | | mpliant Amendment | (PTOL-324). |
| 5. Applicant's reply has overcome the following rejection(s) | | | |
| Newly proposed or amended claim(s) would be al non-allowable claim(s). | | • | - |
| 7. For purposes of appeal, the proposed amendment(s): a) how the new or amended claims would be rejected is provided that the status of the claim(s) is (or will be) as follows: Claim(s) allowed: Claim(s) objected to: Claim(s) rejected: 1.2.5.7.8.11.13 and 14. Claim(s) withdrawn from consideration: | ⊠ will not be entered, or b) □ wi vided below or appended. | ll be entered and an e | explanation of |
| AFFIDAVIT OR OTHER EVIDENCE | | | |
| 8. The affidavit or other evidence filed after a final action, bu because applicant failed to provide a showing of good anwas not earlier presented. See 37 CFR 1.116(e). | t before or on the date of filing a N d sufficient reasons why the affiday | otice of Appeal will <u>no</u> vit or other evidence is | t be entered necessary and |
| 9. The affidavit or other evidence filed after the date of filing entered because the affidavit or other evidence failed to o showing a good and sufficient reasons why it is necessary | vercome <u>all</u> rejections under appe and was not earlier presented. S | al and/or appellant fai ee 37 CFR 41.33(d)(′ | ls to provide a l). |
| 10. ☐ The affidavit or other evidence is entered. An explanation REQUEST FOR RECONSIDERATION/OTHER | | | |
| 11. The request for reconsideration has been considered bu ——————————————————————————————————— | | | nce because: |
| 12. Note the attached Information Disclosure Statement(s). (13. Other: | (PTO/SB/08 or PTO-1449) Paper N | - 0 | Welman |
| | | Daniel S. Metzmaie | ,0 |

Art Unit: 1712

Continuation of 3. NOTE: the amendment raises new issues requiring further search and/or consideration based on the amendment and the alternative grouping modified by the phrase: "may be", which does not require and/or positively claim the species of the alternative grouping. Furthermore, the new claims have not been previously presented. Applicants further do not provide a showing of good and sufficient reasons why said amendments are necessary and why they were not presented earlier (particular attention to the new claims). It is further noted that the alternative grouping and the use of open language, "comprising", was rejected as indefinite in the non-final rejection and applicants had an opportunity to amend said issue prior to the finallity of the action.